

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 256

July 31, 1996, 10:06 am
Page S-9215 Temp. Record

NUCLEAR WASTE/Modifications

SUBJECT: Nuclear Waste Policy Act of 1996 . . . S. 1936. Murkowski amendment No. 5055.

ACTION: AMENDMENT AGREED TO, 86-12

SYNOPSIS: As introduced, S. 1936, the Nuclear Waste Policy Act of 1996, will provide for the interim and permanent storage of spent nuclear fuel and high-level radioactive waste. A short-term facility, administered by the Department of Energy (DOE), will begin accepting nuclear waste no earlier than December 31, 1998 and no later than November 30, 1999, at a site at Yucca Mountain, Nevada. By December 31, 2002, the DOE will apply for authorization to construct a permanent repository at the same site, provided that licensing regulations can be met. Spent fuel and waste from the Federal Government and from commercial nuclear power plants will be transferred from temporary storage sites located in 41 States to the Yucca Mountain site.

The Murkowski amendment would make numerous changes, including the following:

- the Environmental Protection Agency (EPA) would issue standards for the protection of the public from releases of radioactive materials from a permanent nuclear repository; the Nuclear Regulatory Commission would base its licensing determination on whether the repository could be operated in accordance with the EPA's radiation protection standards;
- the Secretary of Energy would be required to use routes that minimized, to the maximum practical extent, transportation of nuclear waste through populated and sensitive environmental areas;
- the nuclear waste disposal program would not be exempted from civil service laws and regulations;
- the limitation on train inspections would be eliminated;
- a clarification would be added that the Nuclear Regulatory Commission (NRC) would have primary authority for the training of workers in nuclear-related activities, though the Department of Transportation would be authorized to promulgate worker safety training standards for removal and transportation of spent fuel if it found gaps in the NRC regulations;
- the provision in the bill requiring the Department of Energy to establish an office to study new technologies for the disposal of nuclear waste would be eliminated;
- the provision making a direct reference to the Chalk Mountain transportation route would be removed;

(See other side)

YEAS (86)				NAYS (12)		NOT VOTING (2)	
Republican (52 or 100%)		Democrats (34 or 74%)		Republicans (0 or 0%)	Democrats (12 or 26%)	Republicans (1)	Democrats (1)
Abraham	Hutchison	Akaka	Johnston		Baucus	Gregg- ²	Glenn- ²
Ashcroft	Inhofe	Bingaman	Kennedy		Biden		
Bennett	Jeffords	Bradley	Kerrey		Boxer		
Bond	Kassebaum	Breaux	Kerry		Bryan		
Brown	Kempthorne	Bumpers	Kohl		Conrad		
Burns	Kyl	Byrd	Lautenberg		Daschle		
Campbell	Lott	Dodd	Leahy		Lieberman		
Chafee	Lugar	Dorgan	Levin		Moynihan		
Coats	Mack	Exon	Mikulski		Pell		
Cochran	McCain	Feingold	Moseley-Braun		Pryor		
Cohen	McConnell	Feinstein	Murray		Reid		
Coverdell	Murkowski	Ford	Nunn		Rockefeller		
Craig	Nickles	Graham	Robb				
D'Amato	Pressler	Harkin	Sarbanes				
DeWine	Roth	Heflin	Simon				
Domenici	Santorum	Hollings	Wellstone				
Faircloth	Shelby	Inouye	Wyden				
Frahm	Simpson						
Frist	Smith						
Gorton	Snowe						
Gramm	Specter						
Grams	Stevens						
Grassley	Thomas						
Hatch	Thompson						
Hatfield	Thurmond						
Helms	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

- the failure to finalize a viability assessment for the permanent repository would not serve as a trigger for increasing the size of the interim storage facility; and
- a clarification would be added that preclicensing construction activities would be the only construction activities that would be considered to be "preliminary decisionmaking" activities.

Those favoring the amendment contended:

The changes in the Murkowski amendment were made to respond to particular concerns that were raised by individual Senators. One change would require the EPA to set a radiation standard for the repository at a level necessary to protect the public. The standard that is written into the bill is 100 millirems. That is the same standard that is used by the International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, the United States Nuclear Regulatory Commission, the Environmental Protection Agency, and the International Atomic Energy Agency. Senators who talk about this standard being "400 percent" greater than any other standard are wrong--it is the accepted standard. However, if the EPA found that a stricter standard were needed, this amendment would require it to impose one. On the issue of transportation routing, the Secretary of Energy would be required to use routes that minimize, to the maximum practical extent, transportation through densely populated and environmentally sensitive areas. Another change that would be made is that the failure to complete on schedule a viability assessment for the permanent repository would not serve as an automatic trigger for expanding the size of the interim repository. These changes and other changes should relieve the safety and environmental concerns that some Senators have with the underlying bill. We urge the adoption of the amendment.

Those opposing the amendment contended:

This substitute amendment is nothing more than a regurgitation of the underlying legislation. The words have been rearranged a little, but the substantive problems remain. There are no compelling technical or safety reasons for moving tons of nuclear waste to a single storage facility; there are no adequate safeguards to make certain that the waste will not spill during transportation; there are no logical reasons for overriding Federal and State laws and regulations to build a storage site in Nevada that will have a risk standard that is 400 percent greater than the risk standard for any other nuclear storage site. The changes that are made by the Murkowski amendment have some marginal value, so Senators may wish to vote in its favor, but we will not. The changes have only cosmetic value; we will not vote for appearance over substance.